

Docket No.: TACHYON.039A

Customer No.: 20,995

## AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Carneal et al.  
Appl. No. : 09/407,645  
Filed : September 28, 1999  
For : METHOD AND SYSTEM FOR  
FREQUENCY SPECTRUM RESOURCE  
ALLOCATION  
Examiner : Hsu, Alpus

Group Art Unit 2665

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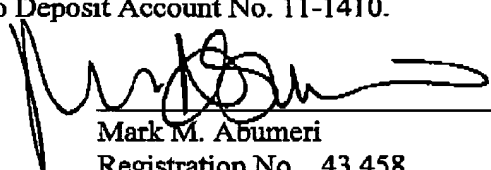
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Commissioner for Patents  
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Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Request to Withdraw Notice of Abandonment in 2 pages.
- (X) Copy of the Response to Office Action dated March 8, 2004 in 8 pages.
- (X) Copy of the Return Postcard listing the Response to Office Action dated March 8, 2004, stamped as received by the OIPE on March 11, 2004.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

  
Mark M. Abumeri  
Registration No. 43,458  
Attorney of Record  
Customer No. 20,995  
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TO: Examiner Alpus Hsu  
FIRM: USPTO  
FACSIMILE NO.: 703-872-9306  
OUR REF.: TACHYON.039A  
APPLICATION NO. 09/407,645  
FROM: Mark M. Abumeri  
OPERATOR: Connie Gelbach  
DATE: September 30, 2004

NO. OF PAGES: 15 (incl. cover sheet)

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Docket No.: TACHYON.039A

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Customer No.: 20,995

**AMENDMENT / RESPONSE TRANSMITTAL**

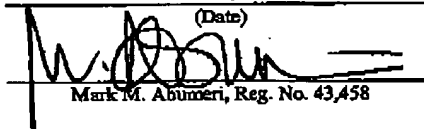
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 App. No. : 09/407,645  
 Filed : September 28, 1999  
 For : METHOD AND SYSTEM  
 FOR FREQUENCY  
 SPECTRUM RESOURCE  
 ALLOCATION  
 Examiner : Hsu, Alpus  
 Art Unit : 2665

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 8, 2004

(Date)

  
 Mark M. Abumeri, Reg. No. 43,458

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

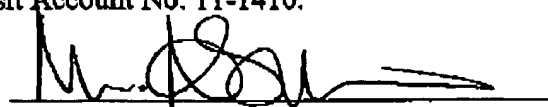
(X) Response to Office Action in 8 pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	55 - 68 = 0	1202 (\$18)	0 x 18 =	\$0
Independent Claims	9 - 12 = 0	1201 (\$86)	0 x 86 =	\$0
Multiple Claim		1203 (\$280)		\$0
			<b>TOTAL FEE DUE</b>	<b>\$0</b>

(X) Return prepaid postcard.

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 Mark M. Abumeri  
 Registration No. 43,458  
 Attorney of Record  
 Customer No. 20,995  
 (619) 235-8550

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TACHYON.039A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Carneal et al.  
Appl. No. : 09/407,645  
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Examiner : Hsu, Alpus

Group Art Unit 2665

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the date shown below:

September 30, 2004

Mark No. Abandon Reg. No. 43,458

**REQUEST TO WITHDRAW NOTICE OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Examiner Alpus Hsu

Dear Sir:

Applicant has received the September 2, 2004 Notice of Abandonment for the above-identified patent application. For the reasons set forth below, Applicant respectfully submits that the Notice of Abandonment was generated in error, and Applicant respectfully requests that the Notice of Abandonment be withdrawn.

The Patent Office mailed an Office Action on December 8, 2003. The due date for a response to the Office Action was March 8, 2004. By submitting a request for extension of time and payment of the appropriate extension fees, the due date was extendable until June 8, 2004.

On March 8, 2004, Applicant mailed a "Response to Office Action" (hereinafter "the Amendment"). Applicant is including a copy of the Amendment with this Request.

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415-954-4114Los Angeles  
310-551-3450Riverside  
951-781-9231San Luis Obispo  
805-547-5580

~~Knobbe Martens Olson & Bear LLP~~

The Amendment was submitted by United States Postal Service as first class mail on March 8, 2004, as certified on the Amendment.

The Amendment was accompanied by a return postcard that listed the items being submitted. The return postcard was stamped as received on March 11, 2004 by the OIPE in the Patent and Trademark Office. Applicant is including a copy of the stamped return postcard stamped by OIPE.

The enclosed evidence shows that the Amendment was timely filed prior to the deadline for response. In view of the timely filing of the Amendment, the Notice of Abandonment was generated in error.

Applicant respectfully requests that the September 2, 2004 Notice of Abandonment be withdrawn. Applicant further requests that the Amendment be considered by the Examiner.

No fees are believed to be due for this Request; however, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

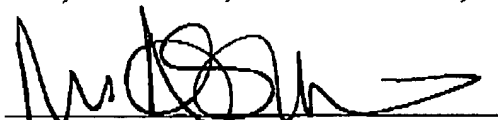
If there is any impediment to the prompt withdrawal of the Notice of Abandonment, please call the undersigned attorney of record the telephone number below so that any remaining issues can be promptly resolved.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

September 30, 2004

By:



Mark M. Abumeri  
Reg. No. 43,458  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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